Remarks/Arguments

Claim Rejections - 35 USC §§102 and 103

The Applicant's invention should not be considered anticipated by McGregor (US 6,650,887), because it fails in both inherency and obviousness. I will attempt to reduce the difference between McGregor and the Applicants invention to clear examples illustrating how prior "Art" fail to anticipate. For a patent to be anticipated it must meet an inherencey standard set out in "KROPA v. ROBIE AND MAHLMAN" and obviousness as set out in "Hirao".

The above-mentioned inherency and obviousness relates to whether a person skilled in the "Art" would eventually come across my methodology over a course of time. The answer to question is no, for no prior "Art" utilizes real or simulated activity of a wireless device keypad to route and outgoing call to a discount service provider. I have yet to find any mention of this feat being attempted in a wireless device and the prior "Art" for wired devices are incompatible with a wireless device.

The unique innovations approach of the Applicant's invention (monitoring the activity of a wireless device keypad to detect an outgoing discountable call), makes the invention's claims patentable because no prior "Art" contain the above mentioned innovations ("Hirao" and "Kropa v. Robie And Mahlman").

535 F2d 67 *; 1976 CCPA LEXIS 162, **; 190 U.S.P.Q. (BNA) 15

IN THE MATTER OF THE APPLICATION OF MAMORU HIRAO AND YOSHINORI SATO
Patent Appeal No. 76-560

UNITED STATES CORT OF CUSTOMS AND PATENT APPEALS

MAY 27, 1976 DECIDED

In "Hirao" it reads on a patent can contain both unique and obvious components, so long as these component are applied in a unique manner they are patentable. There are similar components in both Klien and the Applicant's invention, but there are also different problems to be solved that require innovations that are not obvious to one skilled in the "Art". If the approached taken by the Applicant were obvious, there would be many other patent's utilizing the same methodology. That is to say obvious elements combined with innovation does not preclude obtaining a patent that contains said obvious components so long as they are applied in an unforeseen manner (see cited article or Highlighted section of the enclose document).

38 C.C.P.A. 858; 187 F 2d 150; 1951 CCPA LEXIS 296, *; 88 U.S.P.Q. (BNA) 478, **

KROPA V. ROBIE AND MAHLMAN
Appl. No. 5725

UNITED STATES CORT OF CUSTOMS AND PATENT APPEALS

38 C.C.P.A. 858; 187 F 2d 150; 1951 CCPA LEXIS 296; 88 U.S.P.Q. (BNA) 478

February 6, 1951

In "Kropa v. Robie And Mahlman" it reads on patent inherencey, being an absolute outcome of an event. That some one skilled in the "Art" would definitely come upon the Applicant's approach to routing outgoing calls on a wireless device to a discount service provider (see page 483 in cited article).

Claims 46, 51, 52, 54, 57, 66-69, and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Balachandran, U.S. Patent No. 6,006,685.

In the following sited court cases it is stated that to challenge a patent as being anticipation it must be ordinarily shown that each element of the claim in issue is found in a prior patent publication, either expressly or under the principle of inherency.

HYBRITECH INCORPORATED, Appellant, V. MONOCLONAL ANTIBODIES, INC., Appellee Appeal No. 86-531 UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT ***802 F.2d 1367; 1986 U.S. App. LEXIS 20347; 231 U.S.P.Q. (BNA) 81***

[HN9] It is axiomatic that for prior art to anticipate under *35 U.S.C.S. § 102* it has to meet every element of the claimed invention, and that such a determination is one of fact.

TYLER REFRIGERATION, Appellant, v. KYSOR INDUSTRIAL CORPORATION, Appellee No. 85-1872 UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT ***777 F.2d 687; 1985 U.S. App. LEXIS 15323; 227 U.S.P.Q. (BNA) 845***

[HN1] It is settled that a party asserting that a patent claim is anticipated must demonstrate, among other things, identity of invention. Further, identity of invention is a question of fact and the challenger must ordinarily show that each element of the claim in issue is found in a prior patent or publication, either expressly or under principles of inherency.

Lewmar Marine, Inc., Appellant, v. Barient, Inc. and Barlow Marine, Ltd., Appellees Nos. 86-1412, 86-1619 UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT ***827 F.2d 744; 1987 U.S. App. LEXIS 496; 3 U.S.P.Q.2D (BNA) 1766***

[HN1] Anticipation under *35 U.S.C.S. § 102* requires the presence in a single prior art disclosure of each and every element of a claimed invention.

[HN2] Under the current statute, *35 U.S.C.S. § 102,* "anticipation" does not carry the same meaning as before and the "classic test" of anticipation must be modified to provide: that which would literally infringe if later in time anticipates if earlier than the date of invention.

In the Applicant's invention the key elements are **scanning the keypad** of a cell phone for either instructions or the dialed digits of an outgoing call, **evaluating** the dialed digits of the outgoing call to determine if it is a possible discount call, **re-routing** the call to a discount service provider, and **append an access code** to the re-routed outgoing call when required to achieve a discount.

The Applicant's invention should not be consider anticipated by Balachandran (US 6,006,085), because there is does not teach directly or indirectly on re-routing calls for any purpose at all. Balachandran's patent does not teach directly or indirectly on anything about scanning the keypad of a cell or line phone to detect a dial phone number. Balachandran's patent does not teach directly or indirectly on evaluation of the dialed phone number to determine the nature of the outgoing call: local, long distance, international, et cetera.

Balachandran's invention is located at a site remote to the cell phone (Figure 2 & Figure 3 and Col. 3, line 43 – line 56). The words "access code" and "discount" are the only similar aspect common to both inventions, however both their utilization and application is entirely

different. In Balachandran's invention said access code changes with each offered discount (Col. 5, line 16 – line 37), and must be manually entered by the caller. The access code is used to verify that the caller is authorized to make a discount call (Col. 5, line 38 – line 54). The access code evaluation, like all the other procedures of Balachandran's invention, is carried out at a site remote to the caller (Figure 1 and Figure 2, and Col. 4, line 22 – line 40). A subscriber using Balachandran's invention may require assistance in place a discount call or have to dial an extra phone number if a very low rate is involved (Col. 6, line 31 – line 41). Balachandran's invention uses bandwidth utilization to determine if a specific subscriber should be solicited to make a discount call (Col. 5, line 16 – line 37 and Col. 6, line 42 – line 65). Balachandran's invention make no attempt to determine if the call make in respond to the solicitation is a long distance all, it merely check to see if a valid rate code was submitted by the customer making the call (Col. 5, line 38 – line53). There is no re-routing of the call to a discount service provider, merely are reduce rate from the carrier (Col. 5, line 37 – line 53).

The Applicant's invention the routing of the discountable call is available to all at all time, automatic, and transparent to the user. There is no solicitation to a customer to immediately make a call or lose discount opportunity. There is no need for the caller to be at a location where the communication network has excess bandwidth in order to get a discount on a long distance call. There is no need for the caller to manually enter a special access code to gain access to a discount rate on a call. All processing to determine if a call is discountable and routing to a discount service provider is accomplished in the router, which can be attached to or inside of a wireless device.

In the Applicant's invention both the routing code (phone number for the discount service provider) and the access code are automatically and transparently applied to the outgoing call process. The Applicant's invention re-routes the call to a discount service provider who discount all of the users calls at a constant rate, while Balachandran's invention only provide discounts to calls that were solicited by the DFMS seeking to optimize a specific cell site bandwidth utilization (Col. 5, line 38 – line 53). Balachandran's patent fails in anticipating the Applicant's invention because it neither directly on indirectly touch upon all of the elements in the Applicant's claims (invention), nor is it transparent in it operation.

The Applicant's invention is antithesis to that of Balachandran's invention, which seeks to achieve optimum utilization of a cell site in a communication network (Abstract and Col. 2, line 54 – line 62). The Applicant's invention would have the opposite effect of achieving optimum utilization of a cell site in a communication network, because it would encourage users to use their cell phone regardless of the cell site current utilization capacity level: creating a tendency for overwhelming a cell site capacity. The Applicant's invention provides a constant lure of discount calls regardless of the current cell site utilization capacity (Col. 4, line 22 – line 25 and Col. 4, line 48 – line 59). Claim 46, 54, and 66 are allowable.

Claims 47, 48, 51, and 52 are allowable as being dependents from an allowable base claim.

Claims 55, 56, and 57 are allowable as being dependents from an allowable base claim.

Claims 67, 68, and 69 are allowable as being dependents from an allowable base claim.

Regarding claims 47 (and its dependents, claim 49,50,53) which is dependent on claim 46, Applicant claims "the electrical signature". Mention of "electrical signature" is not found in specification. The claims have not been examine on merits. The Applicant has replaced "electrical signature" with "electrical signal" which is mentioned in the specifications. Claim 47 is allowable.

Claim 49, 50, and 53 are allowable as being dependents base on an allowed claim.

Regarding claim 56, 58 (and it dependents, claims 59 – 65), 80 and 85, Applicant claims "mimicking electrically the pressing of a button...". Mention of "mimicking electrically" is not found in the disclosure of the invention. The claims have not been examined on the merits. The Applicant has removed the term "mimicking electrically" with terminology found in the specification section of the patent: electrical signal. Claims 56, 58, 80,and 85 are allowable.

Claims 59 – 65 are allowable as being dependents of an allowed claim.

Regarding objection to claim 46, because of the following informalities: in line 6 of the claim, "base" should be "based". Appropriated correction is required. The word "base" has been replaced with "based" as requested. Claim 46 is allowable.

Claims 47, 48, 51, and 52 are allowable as being dependents from an allowable base

Regarding objection to claim 89, because of the following informalities: in line 1 of the claim, "Computer" should be "computer". Appropriate correction is required. The word "Computer" has been replaced with "computer" as requested. Claim 89 is allowable.

Regarding claims 46, 54, and 66 Balachandran discloses a system and method for dynamic flexible marketing based on system utilization wherein a dynamic Flexible Marketing System (DFMS) is implemented within a wireless or wire-line network (Col. 3, lines 43-50 and Col. 6, lines 42-57). Balachandran's patent cannot be said to anticipate the Applicant's invention because if does not contain all of the elements in the applicant's claims (see above legal citations). Balachandran's invention scanning of keypad to collect dialed digits, evaluation of the dialed digits to determine if the outgoing call is discountable, re-routing the call to a discount service provider, or providing a constant available set discount. In fact, the only concern of Balachandran's invention is to utilize the maximum / optimum capacity of a given cell site in a communication network (Col. 3, line 58 – line 68). Balachandran states that the goal of the invention is to obtain the maximum / optimum cell site call usage, the only criteria employed by the DFMS is the desire to reduce the number of idle available channels , therefore locals call are just a desirable long distance calls since they are not idle (Col. 4, line 1 – line 5).

Balachandran's patent offers select customers, base on their immediate location, one time chance to participate in a discount rate if they act immediately. Balachandran's patent is a system that monitors for under unutilized capacity in specific cell site of a wireless communication network, and solicit cell phone users to use the excess capacity of a specific cell site by offering a varying reduce rate (Abstract and Col. 2, line 54 – line 62). Once the DFMS has determined that is has excess capacity, it will review various data bases on customer calling

profile, response to offered discounts, location, and status of their cell phone, before deciding who it will offer the opportunity to us the excess capacity at a discount (Col. 4, line 22 – line 25 and Col. 4, line 48 – line 59). The Applicant's invention offers its user the opportunity to make discount count calls at anytime, from and location, regardless of cell site capacity, or said user's calling profile.

Alternately, the subscribers can tell their DFMS where they want to call, and the system will notify them when a discount slot opens up for them to make the call (Col. 2, line 65 – Col. 3, line 4). In Balachandran's patent the phone company is dictating to customer where, when, and if they can use their phone in a discount mode.

Balachandran's invention reduce rate offering are only good for a few minutes (i.e. 3 minutes) at a specific location (Col. 5, line 16 – line 37 and Col. 3, line 64 – Col. 4, line6). The Applicant's invention offers global fixed discount rates to all customers using the communication network. Balachandran's invention offers selectively calculated rates base upon the a targeted individual's calling profile, the intend is to induce the solicited subscriber to use the service at that very moment (Col. 4, line 59 – Col. 5, line 5 and Col. 4 line 49 – line 59). These rates are not constant, and are not available for customer preview prior to the solicitation from the DMFS provider. The Applicant's invention does not require that the customer using the discount service be a subscriber with calling profiles on record, or the customer be in a specific location at a specific time if that want to get a discount on an outgoing call. The Applicant's invention does not require pre-registration for caller to be able to make discount calls (i.e. dial-around numbers such as 1010-321). Balachandran's invention may require that the customer re-locate them self to an adjacent cell to make a discount call (Col. 6, line 34 – line 41).

The applicant's system allow you to make discount calls anywhere in the communication network Balachandran's invention also require the user to manually enter an access code along with the phone number to take advantage of the discount (Col. 5, line 22 – line 30). The Applicant's invention will automatically dial any needed access code required to access the discount service provider. Balachandran's invention interrupts user current activity to solicit them to make a long distance, international, or local call at a discount rate if they act immediately (Col. 5, line 16 – line 37).

Balachandran does not read on the Applicant's claimed method for routing calls through a discount telephone service provider. Being that Balachandran's patent does not teach on or mention anything about collecting the digits of a phone number being dialed. Balachandran's invention solicits customers to user detected excess capacity in a specific cell site in a communication network (Col. 5, line 16 – line 37). The system invented by Balachandran does not know when or where the customer intends to make a potential discount call, it is only concern with getting someone to use any excess capacity in the cell site it has detected (Abstract). Balachandran's invention offer selected customers in a cell site that is under utilized in its call handling capacity the opportunity to make discount call. Customers in Balachandran's invention are selected for making discount call base upon their location in a communication network, pervious response to offers to make immediate call to use up excess capacity, the status of their cell phone (On or Off) (Col. 2, line 54 – line 62 and Col. 4, line 48 – line 59). There is no need for Balachandran's invention to scan the keypad of the user to determine if they are making an outgoing discountable call, because the discounts offered by system is base upon excess capacity of the communication network and not the user's actions (Col. 5, line 16 – line

37 and Col. 3, line 64 – Col. 4, line 25). The fact that Balachandran's invention does not scan the keypad of a caller for detection of discountable call is apparent when you look at figure 2, which shows that all of the hardware in said invention is located outside of the cell phone at a remote location (Figure 2). The selected customer is solicited with an offer that must be excised immediately (within 3 minutes) at the same location that the solicitation was received (Col. 5, line 16 – line 37).

Balachandran's invention does not deal with monitoring the keypad of an outgoing call from a cell phone to determine if a call is discountable, his invention resides in computers that are remotely located to the user's cell phone. Balachandran's patent does not read on automatically routing call to discount service provider, it deals with maximizing the capacity of cell sites in a communication network, by offering discount rate to people willing to stop what they are doing and immediately make call (caller are given a discount as an incentive to use the current excess capacity). Balachandran 's patent reads on soliciting subscriber (Col. 4, line 22 – line25 and Col. 5 line and Col. 4 line 53 – line 60) of DFMS service during random off peak periods that span three (3) minutes in a specific cell site (Col. 5, line 16 – line 37). The customer is not given a set rate and a fixed time period in which to take advantage of the offered discount (Col. 3, line 43 – line 57). A user of Balachandran's invention may be required to relocate them self to a new location in order to take advantage of an offered discount, or schedule their call in advance with the phone company (Col. 6, line 34 – line 36). If the caller is in a high use area and there are no surplus of channels available, then said customers will not be solicited by the DFMS to make a discount call, because there would be no excess capacity in that cell site of the communication network. Balachandran's invention requires constant monitoring of both the

location of cell phone users and the amount of activity in the area they are located in order to determine if discount calls should be offered to qualified user (Figure 2 and Figure 3 and Col. 3, line 43 – Col. 4, line 6). Balachandran's invention uses large data base files and computers remotely located, to the cell phone user, to determine who will be eligible to obtain a discount on there calls (Col. 4, line 21 – line 40). Claims 46, 54, and 66 are allowable.

Claim 47, 48, 49, 50, 51, 52, and 53 are allowable as being dependent from an allowable claim.

Claim 55, 56, and 57 are allowable as being dependent from an allowable claim.

Claim 67, 68, and 69 are allowable as being dependent from an allowable claim.

Regarding claims 48 Balachandran further discloses the according to claim 46, wherein the determining whether a discount call is made is accomplished by determining whether the leading digits encode the area code of an outgoing call meets a predetermined sequence of digits (Col. 5, line 54 – line 62).

Balachandran's invention does not reside in the user's cell phone (Figure 2 and Figure 3 and Col. 4, line 21 – line 40), therefore it cannot be said to detect discountable calls as they are being dialed. Rather said invention relies upon the user taking advantage of the solicited offer and makes a discountable call. Balachandran's invention forwarded the outgoing call to a remote location where it will be process and billed as a discount rate (Figure 2 and Figure 3 and Col. 5, line 35 – Col. 6, line 12). Balachandran's invention does not determine if a call is

discountable by looking at the area code, the discount is offered to the cell phone user before he event entered a destination phone number (Col. 5, line 16 – line 24). Claim 48 is allowable.

Regarding claims 51 and 57 Balachandran discloses the method according to claim 46 and 54 respectively, wherein the discount call is an international call (Col. 6, line 42 – 52). Balachandran's teaches that a subscriber may call and request a notification of a discount rate to an international destination, but it does not teach on recognizing an outgoing international call, or on re-routing a call to a discount service provider. Balachandran's teaching is similar to a subscriber call to find out when the rates goes down on a call (i.e. after 9 pm), and then making the call. Balachandran's subscriber always use the same telephone service provider, only they are given a code to denote that the call they are making is to be given a special one time discount (Col. 5, line 38 – line 53). The Applicant's invention provides discounts at all times without subscriber having to call and negotiate with a service provider about when to make a call. The time allotted for making the call will depend on when a discount time slot would be available for making a discounted international call (Col. 6, line 42 – 52). This is clearly not an instant of automatically routing calls from a cell phone to a discount service provider, Balachandran's invention clearly does not serve at the customer's (cell phone user) convenient, it may take several days for a suitable time slot to open up at the rate the customer requested. The Applicant's invention automatically routes calls to a discount service provider whenever the user makes a discountable call. Balachandran's invention reside at a site remote to the caller (cell phone), and discount is only available if there is an open slot / under utilized capacity (Col. 5,

line 5 – line 15), and the service provider decides to allow the cell phone user to it (solicited) (Col. 5, line 16 – line 24). Claims 51 and 57 are allowable.

Regarding claims 52 and 69, Balachandran discloses the method according to claim 46 and 66, wherein the discount call is not a special service call, toll free call, or a local call with an area code (e.g. calling from the U.S. to Latin America, International calls) (Col. 6, line 42 – line 52). Balachandran's invention does not teach on how to handle or differentiate between local, toll free, or special service calls. Balachandran's invention relies on the cell phone user's discretion to take advantage of the offered discount opportunity, and make a long distance call. The offered discount is only advantageous if the subscriber receiving is willing to immediately stop all current activities and make a long distance / international call. The offered discount is merely a mean to get someone to use under utilized carrier capacity in the local communication network (Bandwidth) (Abstract). The logic behind Balachandran's invention is that people will alter their calling plans (call immediately) if they can save up to fifty percent (50%) on a call (Col. 6, line 42 – line 57), they will use it on a costly call and not a free (toll free) or inexpensive one (local). Therefore Balachandran did not include a methodology for validating the call as long distance or international. Balachandran's invention relies on customer/subscriber usage profile, current calling plan, and pass usage of the DFMS to select a customer that will accept the solicitation and make a call (Col. 4, line 22 – line 40 and Col. 4 line 53 – Col. 5, line 5 and Col. 5, line 16 – line 37). If a DFMS subscriber does use the opportunity poorly, the DFMS does not care, for it will have achieve its goal of increase cell site utilization without having to pay out a premium in the form of a discount. The Applicant's invention looks at the leading

digits of the outgoing call to determine for it self if the call is discountable, and will it route all such calls to a discount service provider regardless of the cell site current capacity utilization.

There is no difference from Balachandran's invention than a customer calling their service provider to find out if rates go down on weekends or after 11:00 pm and then waiting for the weekend or after 11 pm to make the call. Claims 52 and 69 are allowable.

Regarding claim 67, Balachandran disclose the system according to claim 66, further comprising:

Means for determining whether an access code is required to effectuate said routing (i.e., call can go through without code at regular rate) (Col. 5, line 44 – line 53), and means for transmitting said access code through the cell phone when said code is required (Col. 5, line 54 – line 66). In Applicant's patent claim 67 is a dependent of claim 66, it is stated that if the invention detects the need for an access code it would provide it. Balachandran's invention requires the user to manually detect and enter an access code send by the DFMS to signal acceptance of the offered discount rate (Col. 5, line 16 – line 37). The difference between the two procedure is an improve ease of use for the user, by rending the discount process transparent to the user and ensuring that no mistake are make in entering the access code. Claim 67 is allowable.

Regarding claim 83, McGregor discloses the system according to claim 66 wherein a system for routing a call to a discount service provider is integrated into a wireless device (i.e., reads on within the wireless system) (Col. 3, line 43 – line 57 and Col. 5, line 17 – line

45). McGregor's invention is a mobile accounting stored in a cell phone or wireless device (Abstract, Col. 3, line 40 – line 45). The above indicated sections (Col. 3, line 43 – line 57 and Col. 5, line 17 – line 45) talks about the component of McGregor's invention. There is no mention of a discount service for wired or wireless device. Claim 83 is allowable.

Claims 70 -78, 86 - 90 are rejected under 35 U.S.C. 102(e) as being anticipated by McGregor et al (McGregor), U.S. Patent 6,650,887. This Patent has nothing to do with routing call to discount service provider, it deals with tracking charges for calls made by a cell phone/wireless device. Since McGregor's invention does not contain the all of the elements of the Applicant's invention claims, it cannot be said to anticipate. McGregor's invention is a mobile accounting stored in a cell phone or wireless device (Abstract, Col. 3, line 40 – line 45). There is no mention of a discount service for wired or wireless device. Claim 70 – 78, and 86 – 90 are allowable.

Claim 71 and 73 are allowable as being dependents base on an allowed claim.

Regarding claim 70, McGregor discloses a system for routing calls through a discount telephone service using a wireless device, comprising a microchip configured for identifying electrical signals encoding digits associated with an outgoing telephone number by monitoring activity on the wireless device keypad and storing observed activity in memory (Col. 5, lines 28 – 48). Column 5, lines 28 – 48 talks about the components (i.e. processor, memory chip, and timer) employed in McGregor, et al's patent for determining how much to bill a customer for various types of phone calls from a wireless device: local, long

distance, international, roaming et cetera. There is no mention of detecting the nature of an outgoing call to determine if it could be routed to a discount service provider to achieve a reduction in the call cost. The word discount dose not appear anywhere in this indicated passage. The concept of routing a call to a discount service provider dose not appear anywhere in the entire patent. Column 5, lines 49 – 64 talks about how McGregor, et al's patent can capture information from phone use in bill calculating, and being able to cut off a phone when the user is out of funds. There was no mention of routing call to a discount service provider, tracking the call activity of a cell phone by monitoring the keypad, having a processor being configured to analyze one or more of the electrical signals encoding the digits generated by pressing a key on the wireless device keypad, determining if a call is a potential discount call, or determining by dialed digit sequence if the call is a potential discount call. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claims 70, 86, 87, 88, 89, and 90 are allowable.

Claim 71, 72, 73, 74, 75, 76, and 77 are allowable as be dependent from an allowable base claim.

Regarding claim 71, McGregor discloses the system according to claim 70, wherein the processor is further configured for comparing a first predetermining numbers of an outgoing call in order to determine whether the outgoing call telephone number is a discount call (Col. 17, line 43 – Col. 18, line 7). Column 17, lines 43 – Col. 18, line 7 talks about the algorithms that will be employed to determine what type of call is being made, in which the number of digits in the phone number are used to classify a call (Col. 17, line 52 – line

62). It should be noted that what McGregor call an "Access Code" differs from what the Applicant Calls an "Access Code": McGregor's Access Code are for determining call type, while the Applicant's is used to access a discount service provider. To McGregor, the "1" before the area code is an access code for long distance calls (Col. 17, line 61 – line 65 and Col. 16, line 41 – 48). McGregor's methodology failed to anticipate the change in telephone numbers that make both local and long distance call equal in the number of digits and "Access Code" as define in his invention, rendering his patented methodology invalid. Both a local call and a long distance call will have the same identifiers: same "Access Code" and same number of dialed digits (all local and long distance phone numbers must be dialed with an accompanying "1" and an area code) (Col. 16, lines 41 – 48). There is no mention of using the analyzing a dialed phone number by the order of the first digits dialed in his classification system / algorithm. There is no mention of detecting and routing an outgoing call to a discount service, or of discount an outgoing call. The only time the word discount appear in McGregor's patent is in taking into account calculating special a components of a customer bill (data transfer), and has in itself does not give discount on calls or re-direct call to discounts (Col. 2, line 54 – line 65). This is a very flexible accounting program that is situated inside of the cell phone, all is does it calculate the user's bill base upon call usage (Col. 14, line 46 – line 67 and Col.17, line 44 – line 51). Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 71 is allowable.

Regarding claim 72, McGregor discloses the system according to claim 71, wherein the leading digits of an outgoing call represented an electrical signal that encodes the zero

digit (Col. 16, line 25 – line 34). The terms "electrical", "encodes / encoding", or "zero / zero digit" does not appear anywhere in McGregor's patent. The term lead (leading) also does not appear any where in McGregor's patent. The term "leads" does appear once only in reference to bad programming (Col. 11, line 9 – line 10). In the sited section of McGregor's patent (Col. 16, line 25 – line 34) talk about number of digits in an outgoing call and access codes. There is no mention of electrical signal, encoding digits, or discounting an outgoing call. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 72 is allowable.

Regarding claim 73, McGregor discloses the system according to claim 70, wherein the leading electrical signals of an outgoing call represent the digits that encode an area code of a long distance phone number (Col. 16, line 1 – line 48). The word "electrical" does not appear anywhere in McGregor's patent. The words term encode (encoding) and lead (leading) also does not appear any where in McGregor's patent. The term "leads" appears once only in reference to bad programming (Col. 11, line 9 – line 10). In the sited section of McGregor's patent (Col. 16, line 1– line 48) talk about number of digits in an outgoing call and access codes. There is no mention of electrical signal, encoding digits, or discounting an outgoing call. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 73 is allowable.

Regarding claim 74, McGregor discloses the system according to Claim 71, wherein the processor is further configured for determining whether an international phone call is

being made prior to the-action of a wireless device user convey the dialed phone number to the communication network (Col. 17, line 43 – Col. 18 line 7). Column 17, lines 43 – Col. 18, line 7 talks about the algorithms that will be employed to determine what type of call is being made. It should be noted that what McGregor call an "Access Code" differs from what the Applicant Calls an "Access Code": McGregor's Access Code are for determining call type, while the Applicant's is used to access a discount service provider. McGregor's methodology failed to anticipate the change in telephone numbers that make both local and long distance call equal in the number of digits and "Access Code", rendering his patented methodology invalid. Both a local call and a long distance call will have the same identifiers: same "Access Code" and same number of dialed digits (all phone numbers must be dialed with an accompanying area code) (Col. 16, lines 41 – 48). Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 74 is allowable.

Regarding claim 75, McGregor discloses the system according to Claim 71, wherein the potential discount call is an international call (Col. 2, lines 54-65). Column 2, lines 54 – 65 talks about employing accounting software for real time calculation of incurred charges for various types of calls: local, long distance, international et cetera. There is no mention of detecting the nature of an outgoing call to determine if it could be routed to a discount service provider to achieve a reduction in the call cost. The word discount dose not appear anywhere in this indicated passage. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 75 is allowable.

Regarding claim 76, McGregor discloses the system according to Claim 70, wherein the potential discount call is an international call (Col. 2, lines 54-65). Column 2, lines 54 – 65 talks about employing accounting software for real time calculation of incurred charges for various types of calls: local, long distance, international et cetera. There is no mention of detecting the nature of an outgoing call to determine if it could be routed to a discount service provider to achieve a reduction in the call cost. The word discount dose not appear anywhere in this indicated passage. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 76 is allowable.

Regarding claim 77, McGregor discloses the system according to Claim 70, wherein the potential discount call is not a special type call or toll (i.e., international call)(Col. 2, lines 54-65). Column 2, lines 54 – 65 talks about employing accounting software for real time calculation of incurred charges for various types of calls: local, long distance, international et cetera. There is no mention of detecting the nature of an outgoing call to determine if it could be routed to a discount service provider to achieve a reduction in the call cost. The word discount dose not appear anywhere in this indicated passage. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 77 is allowable.

Regarding claim 78, McGregor discloses the system according to Claim 71, wherein the processor is further configured for choosing an access number from a plurality of access numbers for a discount service (Col. 2, lines 54-65). Column 2, lines 54 – 65 talks

about employing accounting software for real time calculation of incurred charges for various types of calls: local, long distance, international et cetera. There is no mention of selecting any access number from a plurality of access numbers. The words "access number" or "plurality" dose not appear anywhere in this indicated passage. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 78 is allowable.

Regarding claim 86, McGregor discloses a computer readable medium having computer executable software code stored thereon, the code of automatically routing call through a discount telephone service using a wireless device, comprising:

Code for automatically determining whether an outgoing call on a wireless device is a discount call (Col. 5, lines 28 –48 and Col. 17 lines 51 – Col. 18, line 7)

Column 5, lines 28 – 48 talks about various components that are incorporated into the invention that are used to track the billing of calls: clock for time and day, software for running algorithms, memory for storing algorithms, and a microprocessor to execute the algorithms.

Column 17, line 51 – Column 18 line 7 talks about determining the nature of an outgoing call by the number of digits dialed: local call having 7 digits, long distance calls having 10 digits, and international calls not define. These definitions are codified in table located in Column 18. These lengths are user not to determine if a call should be route to achieve a discount, but rather as indicator of what goes into determining the cost of the call.

There is no mention of automatic routing of an outgoing call to achieve a discount. More to the point the methodology outlined is dated and no longer valid: with cell phone all local and

long distance calls are the same fixed length: 1, area code, and the 7 digit phone number. McGregor goes into great detail in his methodology indicating how his patent depends of length of the dial digit to determine the billing of the call. The Applicant's invention utilizes both area code and the number of digits dialed in the execution of an outgoing call to determine its nature.

McGregor equates an access code in his patent the country code of a phone number (Column 17, line 62 –65). Clearly what McGregor call an access code is not the same as what the Applicant calls an access code: the code for accessing the service of a discount service provider. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 86 is allowable.

Regarding claim 87, McGregor discloses a programmed computer for routing calls through a discount telephone service using a wireless device, comprising:

a memory in a wireless device having at least one region for storing computer executable program code (Col. 5, line 28 – line 47); and

a processor for executing the program code store in said memory, wherein the program code includes (Col. 6, line 32 – line 42):

code for determining from the sequence of the leading digits whether an outgoing call is a discount call (Col. 2, line 54 – line 65 and Col. 5, line 28 – line 47):

code for collecting the digits corresponding to the discount call by monitoring the activity of the keypad of a wireless device; and code for dialing the access number for a discount telephone service provider and the digits corresponding to the discount call by

mimicking the pressing of keys on the wireless device keypad (Col. 17, line 51 – Col. 18, line 7).

At Col. 5, line 28 – line 47 in McGregor's patent, it teaches about the components used to support tracking of billable activity of a cell phone. How the microprocessor, memory, clock chip in a cell phone can be used to track / log calling activity for generating billing information for the build in account system. There is no mention of routing calls to a discount service provider, re-routing call, scanning the keypad for an outgoing call activity, or detecting a discountable call.

At Col. 6, line 32 – line 42 in McGregor's patent there is mention of a processor for executing the program code store in said memory, but the code describe is related to the tracking and managing of the billing aspects cell phone usage.

At Col. 2, line 54 – line 65 and Col. 5, line 28 – line 47 in McGregor's patent talks about the complexity of internal accounting system that is placed inside of the cell phone, and about the component that make up the cell phone (i.e. microprocessor and code). There is no mention of code for determining from the sequence of the leading digits whether an outgoing call is a discount call.

At Col. 17, line 51 – Col. 18, line 7 in McGregor's patent talks about access codes that are used to determine the type of call that was make, local, long distance, or international (the "1" before an area code in long distance calls or "0ll" of an international call). These codes are not the same as those used in the Applicant's invention to route calls to discount service provider. The access code used in McGregor's patent is no longer valid, because both local and long distance call both now use a "1" and an area code. There is no mention of collecting the

digits corresponding to the discount call by monitoring the activity of the keypad of a wireless device; and code for dialing the access number for a discount telephone service provider and the digits corresponding to the discount call by mimicking the pressing of keys on the wireless device keypad anywhere in McGregor's patent.

Nowhere in McGregor's patent is there mention of code for collecting the digits corresponding to a discount call, code for dialing the access number for a discount service provider and the digit corresponding to the discount call. McGregor's patent deal with tracking call from a wireless device for billing purpose only, not discount calls. McGregor's patent does not contain code for collecting digits corresponding to the discount call by monitoring the activity of the keypad of the wireless device, nor does it contain code for dialing the access number for a discount telephone service provider. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 87 is allowable.

Regarding claim 88, McGregor disclose computer executable software code stored on a computer readable medium, the code for routing calls through a discount telephone service, comprising code for monitoring a cell phone for outgoing call activity; code for determining whether the outgoing call is a potential discount call; code for detecting the DTMF tones corresponding to a first predetermined number of DTMF tones, wherein the determining whether the outgoing call is a potential discount call is accomplished by determining whether the first predetermined number of at least one DTMF tone meets a predetermined sequence of the DTMF tones; code for collecting the digits corresponding to

the discount call; and code for dialing the access number for a discount call phone provider and the digits corresponding to the discount call (Col. 2, line 54 – line 65 and Col. 5, line 27 – line 43 – Col.18, line 7).

At Col. 2, line 54 – line 65 in McGregor's patent talks about the complexity of the accounting system that is placed inside of the cell phone, how it can track local, long distance, international and roaming charges. McGregor states that the billing system can calculate charges for special situations such as service providers or call station, or special discount or premiums for data transfer calls. There is no mention / teaching of routing calls to discount service providers, detecting the dialing of a discount call, or of predetermined number of a discount call.

At Col. 5, line 27 – line 48 in McGregor's patent talks about the components of a typical mobile phone and how the processor and memory chip are co-opted to perform the function of the account program integrated into the phone. McGregor's patent goes on to state how the clock chip can be used to better the date and time of calls for tracking and calculating rate that the customer will be charge for using the phone. The is no mention of detection and routing calls according the classification to different service provider (i.e. discount service provider), nor is there any mention of scanning the keypad of a wireless device to detect activity or nature of the phone number entered by the user (i.e. making an outgoing discountable call).

At Col.17, line 43 – Col.18, line 7 in McGregor's patent talks about the length / number of digits in an outgoing call as a mean of determining / classifying a call as local, long distance, on international. There is no mention of analysis of a dialed phone number's area code to determine if is was a local or long distance or a special phone number. A review of McGregor's patent use of algorithm would lead one to believe that the phone evaluation of the phone number

dialed occur after the call, because there is no way or reason to calculate the cost of a call before it is make, because there is no telling how long the call will last, or if it will goes through (be complete). Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 88 is allowable.

Regarding claim 89, McGregor discloses a computer readable medium having computer executable software code store thereon, the code for routing calls through a discount telephone service, comprising:

code for monitoring a cell phone activity for outgoing call; code for determining whether the outgoing call is a potential discount call; code for detecting the DTMF tones corresponding to a first predetermined number of DTMF tones, wherein the determining whether the outgoing call is a potential discount call is accomplished by determining whether the first predetermining number of at least one DTMF tone meets a predetermined sequence of the DTMF tone; code for collecting the digits corresponding to the discount call; code for determining whether all of the numbers associated with the discount call have been collected within a predetermine polling period; and code for dialing the access number for a discount telephone service provider and the digits corresponding to the discount call (Col. 2, line 54 – line 65 and Col. 5, line 27 – line 48 and Col. 17, line 43 – line 7).

At Col. 2, line 54 – line 65 in McGregor's patent talks about the complexity of the accounting system that is placed inside of the cell phone, how it can track local, long distance, international and roaming charges. McGregor states that the billing system can calculate charges

for special situations such as service providers or call station, or special discount or premiums for data transfer calls. There is no mention / teaching of code for monitoring a cell phone activity for outgoing call; code for determining whether the outgoing call is a potential discount call; code for detecting the DTMF tones corresponding to a first predetermined number of DTMF tones, wherein the determining whether the outgoing call is a potential discount call is accomplished by determining whether the first predetermining number of at least one DTMF tone meets a predetermined sequence of the DTMF tone. Nor is there any mention of code for collecting the digits corresponding to the discount call; code for determining whether all of the numbers associated with the discount call have been collected within a predetermine polling period; and code for dialing the access number for a discount telephone service provider and the digits corresponding to the discount.

At Col. 5, line 27 – line 48 in McGregor's patent talks about the components of a typical mobile phone and how the processor and memory chip are co-opted to perform the function of the account program integrated into the phone. McGregor's patent goes on to state how the clock chip can be used to better the date and time of calls for tracking and calculating rate that the customer will be charge for using the phone. The is no mention of detection and routing calls according the classification to different service provider (i.e. discount service provider), nor is there any mention of scanning the keypad of a wireless device to detect activity or nature of the phone number entered by the user (i.e. making an outgoing discountable call).

At Col.17, line 43 – Col.18, line 7 in McGregor's patent talks about the length / number of digits in an outgoing call as a mean of determining / classifying a call as local, long distance,

on international. There is no mention of analysis of a dialed phone number's area code to determine if is was a local or long distance or a special phone number. A review of McGregor's patent use of algorithm would lead one to believe that the phone evaluation of the phone number dialed occur after the call, because there is no way or reason to calculate the cost of a call before it is make, because there is no telling how long the call will last, or if it will goes through (be complete). Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 89 is allowable.

Regarding claim 90, McGregor discloses a programmed computer for routing calls through a discount telephone service, comprising:

a memory in a wireless device having at least one region for storing computer executable program code (Col. 5, line 28 – line 48); and

a processor (Col. 6, line 32 – line 42) in a wireless device for executing the program code stored in memory, wherein the program code includes:

code for monitoring a wireless device phone activity for outgoing call; code for determining whether the outgoing call is a potential discount call; code for detecting the DTMF tones corresponding to a first predetermined number of DTMF tones, wherein the determining whether the outgoing call is a potential discount call is accomplished by determining whether the first predetermined number of at least one DTMF tone meets a predetermined sequence of the DTMF tones; code for collecting the digits corresponding to the discount call; and code for dialing the access number for a discount telephone provider

and the digits (Col. 2, line 54 – line 65 and Col. 5, line 27 – line 48 and Col. 17, line 43 – Col. 18, line 7).

At Col. 5, line 27 – line 48 in McGregor's patent talks about the components of a typical mobile phone and how the processor and memory chip are co-opted to perform the function of the account program integrated into the phone. McGregor's patent goes on to state how the clock chip can be used to better the date and time of calls for tracking and calculating rate that the customer will be charge for using the phone. The is no mention of detection and routing calls according the classification to different service provider (i.e. discount service provider), nor is there any mention of scanning the keypad of a wireless device to detect activity or nature of the phone number entered by the user (i.e. making an outgoing discountable call).

At Col. 6, line 32 – line 42 in McGregor's patent there is mention of a processor for executing the program code store in said memory, but the code describe is related to the tracking and managing of the billing aspects cell phone usage, not that of routing calls to a discount service provider.

At Col. 2, line 54 – line 65 in McGregor's patent talks about the complexity of the accounting system that is placed inside of the cell phone, how it can track local, long distance, international and roaming charges. McGregor states that the billing system can calculate charges for special situations such as service providers or call station, or special discount or premiums for data transfer calls. There is no mention / teaching of code for monitoring a cell phone activity for outgoing call; code for determining whether the outgoing call is a potential discount call;

code for detecting the DTMF tones corresponding to a first predetermined number of DTMF tones, wherein the determining whether the outgoing call is a potential discount call is accomplished by determining whether the first predetermining number of at least one DTMF tone meets a predetermined sequence of the DTMF tone. Nor is there any mention of code for collecting the digits corresponding to the discount call; code for determining whether all of the numbers associated with the discount call have been collected within a predetermine polling period; and code for dialing the access number for a discount telephone service provider and the digits corresponding to the discount.

At Col. 5, line 27 – line 48 in McGregor's patent talks about the components of a typical mobile phone and how the processor and memory chip are co-opted to perform the function of the account program integrated into the phone. McGregor's patent goes on to state how the clock chip can be used to better the date and time of calls for tracking and calculating rate that the customer will be charge for using the phone. There is no mention of detecting and routing long distance calls to discount service provider. According McGregor's patent calls are classified for billing customer for use of a cell phone, this is a normal cell phone price procedure, only in said patent the process takes place inside of the cell phone and not at some location remote to the phone. In McGregor's patent there is no mention of scanning a keypad of a wireless device to detect the activity of the user, or the nature of the phone number being entered by the user (i.e. making an outgoing discountable call).

At Col.17, line 43 – Col.18, line 7 in McGregor's patent talks about the length / number of digits in an outgoing call as a mean of determining / classifying a call as local, long distance,

on international. There is no mention of analysis of a dialed phone number's area code to determine if is was a local or long distance or a special phone number. A review of McGregor's patent use of algorithm would lead one to believe that the phone evaluation of the phone number dialed occur after the call, because there is no way or reason to calculate the cost of a call before it is make, because there is no telling how long the call will last, or if it will goes through (be complete). Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 90 is allowable.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran, U.S. Patent 6,006,085, in view of McGregor et al. (McGregor), U.S. Patent No. 6,650,887.

Regarding claim 55, Balachandran discloses the method according to claim 54. Balachandran fails to disclose effectuating a re-set stat when an initial phone number is entered by not dialed.

In a similar field of endeavor, McGregor discloses reset calls memory or reset/erase the call activity storage data (Table 1 Col. 7, line 15).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Balachandran to include an erase command for the purpose of clearing an entered number from memory.

Both Balachandran's and McGregor's patent have nothing to do with the Applicant's invention. Balachandran's invention uses customer current location, pass history (calling profile), and the immediate capacity utilization to decide if a customer will be offered a discount

to make a call (Col. 4, line 22 – line 25 and Col.4, line 48 – line 59). The customer is solicited to take advantage of an offered low rate, if a call is make immediately (Col. 2, line 54 – line 62). This is not a system the re-route calls to a discount service provider, it is a lottery base on happen stance. It stated goal is to achieve maximum utilization of a cell site in a communication network, discounts offered are intended induce user to fill random gaps in the optimum capacity of a given cell site (Abstract). Balachandran's invention is located at a site remote to the call/cell phone (Figure 1). McGregor's patent deals with tracking a cell phone user activity for billing purpose (Abstract). The tracking and billing system is located inside of the cell phone, however the cell phone does not re-route calls to a discount service provider (Col. 2, line 54 –line 65). The re-set function in the Applicant's invention deal with re-routing a call, neither of the above mentioned patent's deal with re-routing calls for discount or any other reason. The re-set function in McGregor is part of a command set that is used to track and bill a cell phone customer for call made on the phone (Col. 6, line 43 – line 57). Since McGregor' invention is not in a similar field of endeavor as the Applicant, the sited use of the re-set command (Table 1) cannot be said to be obvious in it use by the Applicant. Table 1 is teaching on tracking call usage on a cell phone, and the "RESET_CALL_MEMORY" command deals with clear out old usage records, not the dialed number of a currently outgoing call. Neither of these two patent talk / teach on re-routing call to a discount service provider, or have common point outside on involving cell phone. The application of the re-set command in the Applicant's patent is not obvious in it utilization, else other would have come up with similar inventions prior the Applicant. Since all of the elements of the claims are not mentioned in McGregor's patent it cannot be said to anticipate the Applicant's patent. Claim 55 is allowable.

Claim 79, 81, 82, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor, in view of Klein, U.S. Patent No. 6,134,609.

Regarding claim 79, McGregor inherently discloses a DTMF encoder configured to detecting the DTMF tone associated with an outgoing telephone number, a processor configure for determining whether the outgoing call is a discount call by determining whether the predetermined number of dialed digits comprises a predetermined sequence of a least one DTMF tone that is dialed by a user (Col. 5, line 49 – line 58 and Col. 17, line 43 – line 50); a memory configured for storing the telephone number corresponding to the discount call (Col. 3, line 56 – 65 and Col. 5, line 65 – Col. 6, line 12); and a DTMF generator configured for dialing the access number for a discount service provider and the outgoing telephone number (Col. 5, line 65 – Col. 6, line 12).

At Col. 5, line 49 – line 58 McGregor teaches / talks about "DTMF decoder chip 72 and a keypad 76 for data entry, such as telephone numbers, DTMF signals for code dialogues with the central processor over the airways." Clear McGregor's patent uses DTMF signals to convey information to a central processing processor, there is no mention of discount service providers, detecting outgoing calls as discount calls. A search of McGregor's patent fails to show the usage of the word, phase or concept of a processor configured for determining whether an outgoing call is a discount call by determining whether the predetermined number of dialed digits comprises a predetermined sequence of a least one DTMF tone.

At Col. 17, line 43 – line 50 McGregor teaches / talks about algorithm used to calculate billing charges for basic categories of local calls, long distance calls, international calls, and roaming calls. This section deals with calculating charges for calls made, not with detecting and routing calls to discount service providers.

At Col. 3, line 56 – line 65 McGregor teaches / talks about tracking unit of the mobile phone accounting system interfacing or linking to a personal computer to receive instruction. There is no mention / teaching on detecting long distance calls for the purpose of routing to a discount service provider.

At Col. 5, line 65 – Col. 6 line 12 McGregor teaches / talks about making room in the cell phone memory for the algorithm for the accounting software that will do the billing. This is clearly stated in that the storage space is for storing billing algorithm and real time billing software used in McGregor. Claim79 is allowable.

Claim 80. 81, 82, 83, and 84 are allowable as being dependent from an allowable claim.

McGregor fails to explicitly disclose an array of Pic I/O pins configured for monitoring a cell phone activity for monitoring a cell phone activity for outgoing call, said array comprising at least one Pic I/O pin.

In a similar field of endeavor, Klein discloses an interrupt controller such as a conventional Pic and I/O advanced programmable interrupt controller (Col. 5, line 20 – line 26).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify McGregor to include an interrupt controller for the purpose of handling

DTMF signal code dialogue with the central processor, such as for monitoring cell phone activity for outgoing call.

Regarding claim 81, McGregor as modified by Klein discloses the system according to claim 79, wherein the potential discount call is an international call (McGregor Col. 2, line 54 – line65).

Regarding claim 84, McGregor as modified by Klein discloses the system according to claim 79, wherein a system for routing a call to a discount service provider attaches to a wireless device (McGregor Col. 3, line 46 – line 67).

Klien (U.S. Patent No. 6,134,609) teaches on "a method and associated circuitry are described for interfacing a software-based modem in a computer system. Memory/modem interface circuitry is integrated within a system controller coupling a main memory with a microprocessor." Klien's patent deals with modem interfacing with a microprocessor, not with detecting discountable calls (long distance / international) or routing calls to discount service providers. McGregor's patent's fails to teach anything of discount calls so it can not be used in conjunction with Klien's invention to block claims of the Applicant.

In Klien's patent interrupt controller are conventional in their nature and application, there is no teaching on this subject matter in this patent (Col. 5, line 20 – line 26). Klien's patent employs standard Pics, these Pics are use to interface a modem to microprocessor. The microprocessor is not involved in with cell phone or wireless device, this is concluded from the fact that the word wireless does not appear anywhere in the patent. Neither Klien's nor McGregor's patent deals with detecting discountable calls, or re-routing calls to discount service provider.

At Col. 5, line 20 – line 26 McGregor teaches / talks about upgrading the debit account on the cell phone, allowing the user to generate a bigger bill. There is no mention of detecting or routing call to a discount service provider in either McGregor or Klien.

At Col. 2, line 54 – line 65 McGregor teaches / talks about why including an accounting system inside of a cell phone is a good thing to have in phone that are pay as you go. . There is no mention of detecting or routing call to a discount service provider in either McGregor or Klien.

At Col. 3, line 46 – line 67 McGregor teaches / talks about interfacing a cell phone to a personal computer for setting up and managing the account program billing a customer for use of a cell phone. McGregor also teaches on the various components involved in interfacing the cell phone to a personal computer. There is no mention of detecting or routing call to a discount service provider in either McGregor or Klien. Claims 79, 81, 82, and 84 are allowable.